

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MICHAEL R. SMITH,

Plaintiff,

- v -

Civ. No. 8:13-CV-1127
(LEK/RFT)

NEW FALLS CORPORATION, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

MICHAEL R. SMITH
Plaintiff, *Pro Se*
26 County Route 18
Lake Clear, New York 12945

RANDOLPH F. TREECE
United States Magistrate Judge

ORDER

The Clerk has sent to the Court a Complaint filed by *pro se* Plaintiff Michael R. Smith. Dkt. No. 1, Compl. Plaintiff has also filed a Motion to Proceed *In Forma Pauperis* (“IFP”). Dkt. No. 2, IFP App.

Turning first to Plaintiff’s IFP Application, the Court finds that Plaintiff has demonstrated sufficient economic need, therefore, he may properly proceed with this matter *in forma pauperis*.

In his *pro se* Complaint, Plaintiff complains, *inter alia*, that Defendants “uniformly engaged in a scheme of illegal and deceptive business practices that violated state and federal law attempting to collect a debt from the Plaintiff” using various objectionable tactics in attempting to collect a debt for which he claims he does not owe. *See* Compl. He alleges that Defendants’ practices violate the Fair Debt Collection Practices Act (“FDCPA”), codified at 15 U.S.C. § 1692, *et seq.* Mindful of the

requirement to liberally construe *pro se* pleadings, see *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 191 (2d Cir. 2008), the Court finds that the Complaint alleges enough to warrant a responsive pleading. In so ruling, the Court expresses no opinion as to whether Plaintiff's claims can withstand a properly filed motion to dismiss or for summary judgment.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's IFP Motion (Dkt. No. 2) is **GRANTED**;¹ and it is further

ORDERED, that the Clerk shall issue Summonses and forward them along with copies of this Order and the Complaint, as well as a packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York, to the United States Marshal for service upon the Defendants; and it is further

ORDERED, that a formal response to the Complaint be filed by the Defendants or counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the Defendants; and it is further

ORDERED, that the Clerk is directed to schedule a Rule 16 Conference before the assigned Magistrate Judge; and it is further

ORDERED, that any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. **Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy was served upon all opposing parties or their attorneys is to be returned, without processing, by the Clerk.** and

¹ Plaintiff should note that although the Application to proceed IFP has been granted, he will still be required to pay fees that he may incur in this action, including copying and/or witness fees.


it is further

ORDERED, that all motions shall comply with the Local Rules of Practice of the Northern District. In accordance with the Local Rules, **Plaintiff must promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action;** and it is further

ORDERED, that a copy of this Order and General Order 25 be served on the Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Date: November 20, 2013
Albany, New York



Randolph F. Treece
U.S. Magistrate Judge